

DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES

REGULATORY REFORM REVIEW DIVISION OF FIELD OPERATIONS

March 2013

Regulation 130-20 – Public Service Work

This regulation is mandated pursuant to 1976 Code Section 24-23-115, with the following general mandate: The SCDPPPS is authorized to supervise all adult offender placed on public service employment by Court of General Sessions Court and Family Court. The regulation provides. The Department is tasked with employing program coordinators to manage its Public Service Employment Program (PSEP). The Department has operated the PSEP since the late 1980's. Offenders participating in the program completed more than 214,480 hours of public service work with a minimum wage labor value of \$1,555,019 to the state in Fiscal Year 2012. The regulation is fairly complex in its scope, as it outlines the parameters of the program, extensive eligibility requirement criteria and limitations for participation for both the offender population and the participating work sites. The regulation appears to be efficient and effective in outlining the procedures, qualifications and parameters of the program. The impact on the effected persons appears to be positive for both the offender and the various related stakeholders. Public complaints have not been recorded in recent years, **RECOMMENDATION:** This regulation should remain in place because it is mandated by statute, and it is an active and viable sentencing alternative for the courts and the offender

Regulation 130-40 Reentry Supervision

This regulation outlines provisions with respect to the Department operating a supervised reentry program to provide for supervision of eligible inmates beginning one hundred and eighty days prior to the inmate's release date. The regulation outlines the parameters of the program, eligibility requirement criteria and limitations for participation. The regulation appears to be efficient and effective in outlining the procedures, qualifications and parameters of the program. Program eligibility and initial release dates did not begin until January 2013 and as such the impact on the effected persons is not known at this time. Public complaints have not been recorded. **RECOMMENDATION:** This regulation should remain in place because it is mandated by statute and provides for a period of community supervision and transition services for eligible inmates being released to the community.

Regulation 130-60 Administrative Sanctions

This regulation outlines provisions with respect to the Department operating an array of administrative sanctions for use by probation agents and administrative hearing officers to respond to the types of violations and types of supervision programs operated by the Department. The regulation outlines the parameters for consideration by the Department in development and operation of a continuum of graduated sanctions. The regulation is not excessively complex, allows for sufficient flexibility in the violation process to respond appropriately and swiftly to offender violations and the ability to assess the process to maximize the positive impact on offender behavior and reduce recidivism. The regulation appears to be efficient and effective. When there is a complaint, it is usually due to individual dissatisfaction with a specific violation response or outcome, rather than the process itself. The short and long-term effects of this regulation should result in a process which provides reasonable, evidence-based response to offender violations with the goal of positively impacting offenders, victims, and citizens and providing the means for a safer community. **RECOMMENDATION:** This regulation should remain in place because it is mandated by statute and provides guidance on critical aspect of community supervision.

DIVISION OF PAROLES AND PARDONS**Regulation 130-10 - Release of Inmates Pursuant to the Prison Overcrowding Powers Act.**

This regulation is mandated pursuant to 1976 Code Section 24-3-2030, and states the following: “Upon a declaration by the Governor of a prison system overcrowding state of emergency as set forth in Section 24-3-1160, Code of Laws of South Carolina, 1976, as amended June 3, 1986, the Board of Probation, Parole and Pardon Services is charged with the responsibility of determining which qualified prisoners are to be released.” In years past, prisoners were released pursuant to the “Prison Overcrowding Powers Act” and under the terms of this regulation to a community supervision program known as “Emergency Powers Act” or “EPA”, which operated similar to parole. This regulation has not been utilized in a number of years, as there has not been such a gubernatorial declaration in recent years; however, the statute remains active and mandated. The regulation is fairly complex in its scope, as it outlines the parameters of the release program. In the few instances when such a declaration of emergency was declared, the regulation was efficient and effective in outlining the procedures, qualifications and parameters of the release. The impact on the effected persons is an intangible as there are positive and perceived negative impacts to inmates, victims, and citizens. Public complaints have not been recorded in recent years, due to the absence of a gubernatorial declaration of emergency to trigger these types of prison releases.

RECOMMENDATION: This regulation should remain in place because it is mandated by statute, and in the event of an emergency release pursuant to the Prison Overcrowding Powers Act.

Regulation 130-30 - Board Training

This regulation outlines provisions with respect to training requirements for members of the Board of Probation, Parole and Pardon Services. The regulation outlines the requirements for both new Board members, and the annual training requirement of sitting Board members. It remains necessary in outlining such training requirements for the Board and it provides guidelines for the efficient and effective continuation education of the Board. This regulation is relatively simple in its scope and there have apparently been no public complaints regarding the regulation. The short and long-term effects of this regulation result in a Board that is trained through a nationally recognized curriculum for such entities and the opportunity for the Board to remain current on the latest tools and practices in community release programs. Unintended negative consequences are not readily apparent. **RECOMMENDATION:** This regulation should remain in place due to the necessity of an informed and trained Board.

130-50 - Hearing Officer Qualifications and Preliminary Hearing Procedures

This regulation outlines the qualifications and procedures governing the Department's Administrative Hearings process. This regulation and the resulting Administrative Hearings Process are necessary to the effective and efficient utilization of Evidence-based Practices in addressing offender violations of community supervision. The regulation is not excessively complex, even though it outlines the parameters of the referenced Administrative Hearings process. The regulation allows for sufficient flexibility in the hearings process to respond appropriately and swiftly to offender violations and the ability to assess the process to maximize the positive impact on offender behavior and reduce recidivism. Public complaints regarding this regulation are minimal. On the rare occasions when there is a complaint, it is usually due to individual dissatisfaction with a specific hearing outcome, rather than the process itself. The short and long-term effects of this regulation should result in a highly qualified staff of hearing officials and a process which provides reasonable, evidence-based response to offender violations with the goal of positively impacting offenders, victims, and citizens and providing the means for a safer community. Unintended negative consequences are not readily apparent. **RECOMMENDATION:** This regulation should remain in place due to the necessity of a swift and responsive hearings process to address offender violations in an efficient and effective manner.